



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andre et al.

Attorney Docket No.:  
APL1P234C1/P2426

Application No.: 10/060,712

Examiner: Lesperance, Jean E.

Filed: January 29, 2002

Group: 2674

Title: CURSOR CONTROL DEVICE HAVING  
AN INTEGRAL TOP MEMBER

Confirmation No.: 8995

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on October 14, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Signed: \_\_\_\_\_

Agnes Spence

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TO OBVIATE AN OBVIOUSNESS-TYPE  
DOUBLE PATENTING REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner(s), Apple Computer, Inc., of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and §173 of prior United States Patent No. 6,373,470 (hereafter "prior patent"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to

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The undersigned is an agent or attorney of record.

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Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Quin C. Hoellwarth", written in a cursive style.

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